

PART 88—TRANSITION ASSISTANCE FOR MILITARY PERSONNEL

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AUTHORITY: 10 U.S.C. chapter 58.

SOURCE: 59 FR 14559, Mar. 29, 1994, unless otherwise noted.

§ 88.1 Purpose.

(a) This part supersedes the Assistant Secretary of Defense For Force Management and Personnel memorandum,¹ “Policy Changes For Transition Assistance Initiatives,” June 7, 1991, establishes policy, and assigns responsibilities for transition assistance programs for active duty military personnel and their families.

(b) Implements transition assistance programs for DoD military personnel and their families as outlined in section 502, Public Law 101-510; section 661 and section 662, Public Law 102-190, and sections 4401-4501, Public Law 102-484.

§ 88.2 Applicability and scope.

This part applies to: (a) The Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, and the Defense Agencies (hereafter referred to collectively as “the DoD Components”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

(b) All active duty Service members and their families.

§ 88.3 Definitions.

(a) *Involuntary separation.* A member of the Military Service shall be considered to be involuntarily separated if he or she was on active duty or full-time National Guard duty on September 30, 1990 and:

(1) In the case of a Regular officer (other than a retired officer), he or she was involuntarily discharged under other than adverse conditions, as characterized by the Secretary of the separating Service member's Military Department. Discharge under adverse conditions is determined by referring to the reason for separation as well as the officer's service, as outlined in Department of Defense Directive 1332.30.²

(2) In the case of a Reserve officer who is on the active duty list or, if not on the active duty list, is on full-time active duty (or in the case of a member of the National Guard, full time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the Reserve components, he or she is involuntarily discharged or released from active duty or full-time National Guard duty (other than a release from active duty or full-time National Guard duty incident to a transfer to retired status) under other than adverse conditions as characterized by the Secretary of the separating Service member's Military Department. Discharge under adverse conditions is determined by referring to the reason for separation as well as the officer's service, as outlined in Department of Defense Directive 1332.30.

(3) In the case of a Regular enlisted member serving on active duty, he or she is denied reenlistment or involuntarily discharged under other than adverse conditions, as characterized by the Secretary of the separating Service member's Military Department. Discharge under adverse conditions is determined by referring to the reason for separation as well as the enlisted member's service, as outlined in Department of Defense Directive 1332.14.³

(4) In the case of a Reserve enlisted member who is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the Reserve components, he or she is denied reenlistment or is involuntarily discharged or released from

¹Copies may be obtained, at cost, from the Directorate of Transition Support and Services, Office of the Assistant Secretary of Defense for Personnel and Readiness, 4000 Defense Pentagon, Washington, DC 20301-4000.

²Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

³See footnote 2 to section 88.3(a)(1).

active duty (or full-time National Guard duty) under other than adverse conditions as determined by referring to the reason for separation as well as the enlisted member's service, as outlined in Department of Defense Directive 1332.14.

(b) *Separation entitlements.* Benefits provided to Service members being involuntarily separated on or before September 30, 1995 as defined in paragraphs (a)(1) through (a)(4) of this section, and their families. Benefits provided to Service members being separated under the Special Separation Benefit or Voluntary Separation Incentive on or before September 30, 1995, as defined in paragraph (c) of this section and their families. These benefits include: Training opportunities under the Job Training Partnership Act as described in section 4465 of Public Law 102-484; priority affiliation with the National Guard and Reserve, as described in section 502(a)(1) of Public Law 101-510, as amended; enrolled in the All-Volunteer Force Educational Assistance Program ("Montgomery G.I. Bill"), as described in section 4404 of Public Law 102-484; extended medical and dental care, as described in section 502(a)(1) of Public Law 101-510, as amended, and sections 4407 and 4408 of Public Law 102-484; continued use of military family housing as described in section 502 (a)(1) of Public Law 101-510, as amended (subject to Status of Forces Agreements overseas); extended and commissary privileges as detailed in section 502(a)(1) of Public Law 101-510, as amended (subject to Status of Forces Agreements overseas); travel and transportation allowances, as detailed in section 503 of Public Law No. 101-510, as amended; continuation of enrollment in Department of Defense Dependents Schools as detailed in section 504 of Public Law 101-510, as amended (subject to Status of Forces Agreements overseas.)

(c) *Special separation benefit and voluntary separation incentive.* Voluntary separation programs established in section 661 and section 662 of Public Law 102-190, as amended. Service members separated under these programs are eligible for both transition services and separation entitlements outlined in paragraphs (b) and (d) of this section.

(d) *Transition services.* Preseparation counseling, individual transition planning, employment assistance, excess leave and permissive temporary duty, and relocation assistance for personnel overseas as described in section 502 (a)(1) of Public Law 101-510, as amended.

§ 88.4 Policy.

It is DoD policy that: (a) Transition assistance programs prepare separating Service members and their families with the skills, tools, and self-confidence necessary to ensure successful reentry into the Nation's civilian work force.

(b) Transition assistance programs be designed to complete the military personnel "life cycle." This cycle begins with the Service member's recruitment from the civilian sector, continues with training and sustainment throughout a Service members's active service in the Armed Forces, and ends when the Service member returns to the civilian sector.

(c) Transition assistance programs include: (1) Transition service as defined in § 88.3 (d) to be provided to Service members and their families for up to 90 days after separation, space and work load permitting.

(2) Separation entitlements as defined in § 88.3 (b) for Service members who are involuntarily separating as defined in § 99.3 (a) or separating under the Voluntary Separation Incentive or Special Separation Benefit Programs as defined in § 88.3 (c).

(d) Service members from one Service shall not be restricted from participating in another Service's transition assistance program unless workload or other unusual circumstances dictate. Every effort will be made to accommodate all eligible personnel, especially if referral to another transition site will require the Service member to travel a long distance and incur significant expense.

(e) [Reserved]

(f) When being discharged, released from active duty, or retiring (hereafter referred to as "separating Service members"), Service members and their families bear primary responsibility for their successful transition into the civilian sector.